

**Department of Environmental Conservation  
Response to Comments**

**For**

**Excavation Dewatering General Permit  
APDES Permit No. AKG002000**

**Public Noticed June 25, 2019 – July 26, 2019**

**July 31, 2019**



**Alaska Department of Environmental Conservation  
Wastewater Discharge Authorization Program  
555 Cordova Street  
Anchorage, AK 99501**

## **1 Introduction**

### **1.1 Summary of Facility / Permit**

Excavation dewatering in all regions of Alaska with exception of Denali National Park and Preserve and the Indian Reservation of Metlakatla are eligible for coverage under the permit. Dewatering associated with oil and gas exploration facilities located in the North Slope Borough or for hydrocarbon transport pipeline projects are eligible for alternative general permits.

Dewatering discharges eligible for coverage under the general permit would consist of water pumped from excavation areas through the use of temporary dewatering wells or submersible pumps to lower the water table to support a construction activity. The dewatering of accumulated groundwater and storm water that accumulates within an excavation area is an authorized discharge under the permit. The permit does provide discharge authorization for dewatering conducted within 1,500 feet of a permit defined “DEC-identified contaminated site” although special permit conditions apply and additional requirements may be added in the discharge authorization. The special conditions will provide assurance that the dewatering activities doesn’t pull contamination from the known contaminated sites.

### **1.2 Opportunities for Public Participation**

The Department of Environmental Conservation proposes to reissue an Alaska Pollutant Discharge Elimination System (APDES) wastewater discharge general permit for excavation dewatering. To ensure public, agency, and tribal notification and opportunities for participation, the Department completed the following:

- identified the permit on the annual Permit Issuance Plan posted online at: <http://dec.alaska.gov/water/wastewater/>
- notified potentially affected tribes that the Department would be working on this permit via letter, fax and/or email
- posted a preliminary draft of the permit on-line for a 10-day applicant review 06/07/2019 – 06/20/2019 and notified tribes and other agencies
- formally published public notice of the draft permit on *June 25, 2019* in *Anchorage Daily News*, *Juneau Empire*, and *Fairbanks Daily Newsminer* and posted the public notice on the Department’s public notice web page
- posted the proposed final permit on-line for a 5-day applicant review
- sent email notifications via the APDES Program List Serve when the preliminary draft, draft, and proposed final permits were available for review

The Department received comments from *two* interested parties on the draft permit and supporting documents. The Department also requested comment from the Departments of Natural Resources (DNR) Fish and Game (DFG), the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, and the U.S. Environmental Protection Agency (EPA).

This document summarizes the comments submitted and the justification for any action taken or not taken by DEC in response to the comments.

### 1.3 Final Permit

The final permit was adopted by the Department on **[date]**. There were changes from the public noticed permit. Significant changes are identified in the response to comments and reflected in the final fact sheet for the permit.

## 2 Comments Related to Permit Coverage Comment Summary – Individual Permit

The Department received a comment regarding Part 1.5 Requiring an Individual Permit. The commenter recommended modifying Part 1.5.2 to include other general permits as an option for alternative permits before requiring an applicant to obtain an individual permit when the wastewater discharge does not meet the eligibility criteria of the permit.

### Response:

DEC agrees and modified the permit Part 1.5.2 to include the option for other general permits to be considered before requiring an individual permit.

### 2.2 Comment Summary – Eligibility and Automatic Authorization

The Department received a comment regarding Permit Part 1.2 to include language for automatic authorization as part of the permit eligibility.

### Response:

Automatic authorization (Part 2.1.3) is already included by reference by Part 2.1. No changes were made to the permit based on this comment.

## 3 Comments on Monitoring Requirements

### 3.1 Comment Summary – Quality Assurance Project Plan (QAPP)

A commenter expressed concern regarding the QAPP and believes the QAPP will add significant cost to the permit.

### Response:

A Quality Assurance Project Plan (QAPP) is only required for surface water monitoring and reference to a generic QAPP is provided, along with the minimum project specific requirements are specified, see Part 5.2.15.5. Development and implementation of a QAPP integrates quality assurance and quality control practices that are designed to generate and process data of known and appropriate quality in a cost-effective manner. No changes were made to the Permit or Fact Sheet based on this comment.

### 3.2 Comment Summary: Discharge Monitoring Reports (DMRs)

The due date for DMRs under Table 1 is shown at a frequency of monthly; however, discussions in Table 1 and Section 6.2 indicate they are required to be submitted at the end of the project (with the NOT) or annually no later than the 28<sup>th</sup> day of the month past the annual authorization date. Additionally, Appendix A Parts 3.2.1 and 3.2.3 indicate that DMRs have to be submitted monthly by the 15<sup>th</sup> of the following month.

The commenter recommends modifying the frequency in Table 1 to state “with NOT or annually from authorization date” and to provide clarification in Table 1 and Section 6.2 specifying the date provided in these sections supersedes the date shown in Appendix A Parts 3.2.1 and 3.2.3. This would align with clarification provided in other APDES permits that have been issued.

Furthermore, if DMRs are required to be completed for each month during the applicable timeframe it is recommended to provide clarity around this point.

Table 1 and Section 6.2 currently indicate that DMRs be submitted to the Permitting Program. However, Appendix A Section 3.2.2 indicates that DMRs be submitted to the Compliance and Enforcement Program. Commenter requests clarification as to the appropriate program to submit DMRs.

**Response:**

See Permit Part 6.4 - *Standard Conditions Applicable to Recording and Reporting* which stipulates that the permittee must comply with the recording and reporting requirements as described in Appendix A, Standard Conditions unless specified in the body of the permit. Only one DMR is required to be completed for the entire length of the project (start to end dates) and is to be submitted to the Permitting Program shortly after the project end date when filing a Notice of Termination (NOT) or annually, whichever is sooner, which is reflected in the body of the permit and supersedes the Appendix A, Standard Conditions. Table 1 was modified to include Part 6.4 as well as inclusion of a footnote in Part 6.2 to refer to Part 6.4 for the difference in reporting agency and due date, and the frequency was modified as well.

The estimated project end date supplied in the NOI is used by DEC to anticipate when the permittee will file the DMR with a NOT. DEC has included a NOI modification requirement (Part 2.5 – Submittal of a Modification to Original NOI) for when the estimated project start or end dates may need be modified by the permittee. Therefore, if the project is still ongoing and is anticipated to extend beyond the original estimate provided in the NOI, the permittee will need to communicate this via a NOI modification. Note, no additional permit fee is required when submitting an NOI modification.